

THURSDAY, AUGUST 23, 1973

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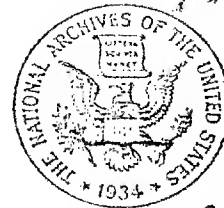
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Also, the changes Approved For Release 2002/06/05 : CIA-RDP77-00389R000100070003-6  
 Compliance Safety and Health Officer to perform on a regular basis duties of the Area Director at a field station, when the instance of the field station from the office of the Area Director may make it impractical for the Area Director to exercise the duties involved. In addition, the changes would permit a broader authorization of Compliance Safety and Health Officers to exercise the duties of an Area Director either generally or for the limited purpose of issuing citations or notices of de minimis violations. Operating instructions for such authorization are being developed, and will be made available to the public.

The changes also make clear that persons supervising Area Directors or Assistant Regional Directors may exercise concurrent authority with them in the performance of the duties of the Secretary of Labor which are carried out in Part 1903.

The amendments shall be effective August 23, 1973.

Part 1903 is hereby amended by revising paragraphs (e) and (f) of § 1903.21 to read as follows:

#### § 1903.21 Definitions.

(e) "Area Director" means the employee or officer regularly or temporarily in charge of an Area Office of the Occupational Safety and Health Administration, U.S. Department of Labor, or any other person or persons who are authorized to act for such employee or officer. The latter authorizations may include general delegations of the authority of an Area Director under this part to a Compliance Safety and Health Officer or delegations to such an officer for more limited purposes, such as the exercise of the Area Director's duties under § 1903.14(a). The term also includes any employee or officer exercising supervisory responsibilities over an Area Director. A supervisory employee or officer is considered to exercise concurrent authority with the Area Director.

(f) "Assistant Regional Director" means the employee or officer regularly or temporarily in charge of a Region of the Occupational Safety and Health Administration, U.S. Department of Labor, or any other person or persons who are specifically designated to act for such employee or officer in his absence. The term also includes any employee or officer in the Occupational Safety and Health Administration exercising supervisory responsibilities over the Assistant Regional Director. Such supervisory employee or officer is considered to exercise concurrent authority with the Assistant Regional Director. No delegation of authority under this paragraph shall adversely affect the procedures for independent informal review of investigative determinations prescribed under § 1903.12 of this part.

(Sec. 8(g)(2), Public Law 91-596, 84 Stat. 1609 (29 U.S.C. 657).)

Approved For Release 2002/06/05 : CIA-RDP77-00389R000100070003-6  
 day of August 1973.

JOHN STENDER,  
 Assistant Secretary of Labor.

[FR Doc.73-17914 Filed 8-22-73; 8:45 am]

#### Title 32—National Defense

### CHAPTER XX—INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

#### PART 2000—APPEALS PROCEDURES

##### Establishment of Appeals Procedures

The Interagency Classification Review Committee was established by the National Security Council Directive Governing Classification, Downgrading, Declassification and Safeguarding of National Security Information (37 FR 10053, May 19, 1972), pursuant to section 7 of Executive Order 11652, Classification and Declassification of National Security Information and Material (37 FR 5209, March 10, 1972), both of which became effective June 1, 1972. Among the duties assigned to the Committee was the responsibility to "consider and take action on complaints from persons within or without the government with respect to the general administration of the Order including appeals from denials by Departmental Committees or The Archivist of declassification requests." The purpose of this regulation is to establish the conditions and procedures under which the denial of a request for the declassification of classified documents ten (10) or more years old may be appealed to the Interagency Classification Review Committee.

Therefore, a new Chapter XX and Part 2000, as titled above, are added to Title 32 of the Code of Federal Regulations, to read as set forth below.

**Effective date.**—This regulation is effective August 23, 1973.

Dated August 17, 1973.

JAMES B. RHOADS,  
 Archivist of the United States,  
 Acting Chairman.

- Sec.  
 2000.1 Purpose.  
 2000.3 Establishment and jurisdiction of the Committee.  
 2000.5 Request for declassification.

**AUTHORITY.**—Executive Order 11652 (37 FR 5209); N.S.C. Directive (37 FR 10053).

#### § 2000.1 Purpose.

This regulation establishes the conditions and procedures under which the denial of a request for the declassification of classified documents ten (10) or more years old may be appealed to the Interagency Classification Review Committee, hereinafter referred to as the Committee.

#### § 2000.3 Establishment and jurisdiction of the Committee.

(a) **Establishment and composition.**—Pursuant to section 7 of Executive Order 11652, "Classification and Declassification of National Security Information and Material" (37 FR 5209, March 10,

hereinafter referred to as the Directive), the Committee has been established by the National Security Council Directive Governing Classification, Downgrading, Declassification and Safeguarding of National Security Information (37 FR 10053, May 19, 1972), hereinafter referred to as the Directive, which both became effective on June 1, 1972. The Committee is composed of a Chairman designated by the President, the Archivist of the United States, and one senior representative from each of the Departments of State, Defense and Justice, the Atomic Energy Commission, the Central Intelligence Agency and the National Security Council staff. Representatives of other Departments in the executive branch may be invited to meet with the Committee on matters of particular interest to those Departments, but shall have no vote. The Committee shall meet regularly at a time and place designated by the Chairman. In the absence or incapacity of the Chairman, an Acting Chairman chosen by the Committee will act as Chairman for all purposes. A quorum of seven members, or their designated alternates, is required to consider or act on appeals to the Committee. Committee decisions in favor of declassification, in whole or in part, of information or material determined by the Departmental Committee to require continued classification shall require a majority vote of the members or their designated alternates present. In the absence of a majority vote, the determination of the Departmental Committee shall stand.

(b) **Jurisdiction.**—The Committee shall have jurisdiction to consider and act upon appeals from a determination by a Departmental Committee or the Archivist of the United States that information or material classified by action taken pursuant to E.O. 11652, or its predecessor Orders, requires continued classification under section 5 of the Order. The Committee shall have no jurisdiction of appeals involving information classified by the Atomic Energy Act of 1954, as amended. Hereafter the terms "Departmental Committee" and "Department" include the Archivist, where appropriate.

#### § 2000.5 Request for declassification.

(a) **Notice of an appeal.**—An appeal from a Departmental Committee's denial of a declassification request involving classified documents which are ten (10) or more years old must be submitted to the Executive Director, Interagency Classification Review Committee, Executive Office Building, Washington, D.C. 20506, within sixty (60) days of the date the Departmental Committee's denial of a declassification request is received. The appeal shall include the following information: an identification or description of the document or documents for which declassification was requested and a statement of the Department's action denying the request. Whenever possible, copies of all correspondence to and from the department concerned and a statement of the reasons why the requester's

appeal should be included.

(b) *Exhaustion of other remedies.*—No appeal will be considered until the requester has exhausted all administrative remedies afforded him by the regulations of the Department concerned; provided however, that if the Departmental Committee has not acted at the expiration of thirty (30) days of the date the request is appealed to the Departmental Committee the requester may apply within sixty (60) days thereafter to this Committee for appropriate relief.

(c) *Acceptance of appeal.*—An appeal of a determination denying a declassification request involving classified documents which are ten (10) or more years old, shall be accepted for review by the Committee if, in the discretion of the Committee, the appeal raises substantive issues. The following indicate, but do not limit, the character of the reasons for accepting an application for review which the Committee will consider: (1) The nature of the documents whose declassification is sought; (2) the relationship of the documents to other classified documents; (3) the likelihood of an early public release as a result of declassification; (4) and disagreement between Departments as to the proper classification of the information involved. To the extent required for this determination, the Chairman may request the Department concerned to furnish copies of the documents, a summary of their contents or other pertinent information. Requests for declassification which have been denied because the document has not been described with sufficient particularity to enable it to be identified, or because the record cannot be obtained with a reasonable amount of effort, will not be accepted by the Committee, as the denial is based on reasons other than its continuing classification.

(d) *Consideration of appeal.*—The requester will be promptly notified whether his appeal has been accepted for review. The Department from whose decision the appeal has been taken and accepted by the Committee shall, upon request of the Chairman, furnish to the Committee ten (10) copies of the following: all correspondence to and from the requester, the decision of the Departmental Committee denying the request, and the classified documents in question.

(e) *Committee review.*—Normally, appeals to the Committee will be considered in the order that they are accepted for appeal. The Committee's review of the record will be in closed session in order to facilitate full inquiry into matters that are still classified. The burden of persuasion is on the Department to show that continued classified is required under the provisions of section 5 of the Order. Upon the Committee's determination that the requested material no longer warrants classification in whole or in part, the Chairman shall, in consultation with the affected Department or Departments, assure that appropriate action is taken.

(f) *Decision.*—The requester whose appeal has been accepted shall be notified

Should the appeal be denied in whole or in part, the notification shall include a statement, in unclassified form, explaining the reason for the decision.

[FR Doc.73-17841 Filed 8-22-73; 8:45 am]

# Title 43—Public Lands: Interior CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS  
[Public Land Order 5386; (Colorado 17286)]

## COLORADO

### Withdrawal for Protection of Scenic and Primitive Values

By virtue of the authority vested in the President and pursuant in Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of disposition under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, for protection of their scenic and primitive values:

#### NEW MEXICO PRINCIPAL MERIDIAN

a. Beginning at the northeast corner of Sec. 20, T. 46 N., R. 2 W.,

Thence southerly up the east bank of the East Fork of Powderhorn Creek approximately 6½ miles to its intersection with the north boundary of Sec. 21, T. 45 N., R. 2 W.; thence easterly approximately 2¾ miles to the southwest corner of Sec. 13, T. 45 N., R. 2 W.; thence south ½ mile, west ¾ mile, south ¼ mile, east ½ mile, south ¼ mile, east ¾ mile, south ¼ mile, east ¼ mile, south ¾ mile, and west ¾ mile to the northwest corner of Sec. 36, T. 45 N., R. 2 W.; thence south one mile, and east approximately one mile to Cebolla Creek; thence southerly approximately ¼ mile along the west bank of Cebolla Creek; thence west ¼ mile to the southwest ¼ mile to the southwest corner of the NE¼NE¼ of Sec. 1, T. 44 N., R. 2 W.; thence south approximately 1¼ miles; thence northwesterly approximately one-eighth mile to a point where Cebolla Creek crosses the Cathedral Road; thence northwesterly and then southwesterly ½ mile along the north bank of Cebolla Creek; thence approximately ¼ mile west to the west quarter corner of Sec. 12, T. 44 N., R. 2 W.; thence west ¼ mile, south ¼ mile, west ½ mile, south ½ mile, west ¼ mile, south ¼ mile, west ¼ mile, south ¼ mile, west ¼ mile, and south ¼ mile to the boundary of the Gunnison National Forest; thence 1½ miles west along said boundary, north three miles along said boundary, west eight miles along said boundary to the southeast corner of Sec. 36, T. 45 N., R. 4 W.; thence north 2½ miles to the west quarter corner of Sec. 19, east ¾ mile, north ¼ mile, west ¼ mile, north ½ mile, west ¼ mile, north ¼ mile, east ½ mile, south ¼ mile, east ¼ mile, south ¼ mile, east ¼ mile, north ¼ mile, north ¼ mile, east ¼ mile, north 1¼ miles to the north quarter corner of Sec. 8, T. 45 N., R. 3 W.; thence east approximately 2¼ miles to the northeast corner of Sec. 10, T. 45 N., R. 3 W.; thence south approximately one-eighth mile to the northwest corner of Sec. 11; thence east approximately 2¼ miles to the West Fork of Powderhorn Creek; thence northerly along the west bank of the West

of Powderhorn Creek to the north section line of Sec. 20, T. 46 N., R. 2 W.; thence east approximately ¼ mile to the point of beginning.

The area described aggregates approximately 40,400 acres.

b. The minerals reserved to the United States in the following described patented lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws:

#### NEW MEXICO PRINCIPAL MERIDIAN

T. 45 N., R. 3 W.,

Sec. 21, N½NE¼;

Sec. 22, N½N½, SW¼NW¼;

Sec. 34, W½SW¼.

The area described aggregates 360 acres.

The total of the areas described in paragraphs a and b above aggregate approximately 40,760 acres in Gunnison and Hinsdale Counties.

2. Any party having need for lands within this area under the provisions of R.S. 2477, 43 U.S.C. 932 (for road rights-of-way), must file a request with the State Director, Bureau of Land Management, for consideration of an amendment of this order.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing disposal of the vegetative resources, except under the mining laws, and as to sale or disposal of forest products.

JACK O. HORTON,  
Assistant Secretary of the Interior.

AUGUST 17, 1973.

[FR Doc.73-17865 Filed 8-22-73; 8:45 am]

# Title 49—Transportation CHAPTER X—INTERSTATE COMMERCE COMMISSION

## SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1100, Amdt. 3]

### PART 1033—CAR SERVICE

Union Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of August 1973.

Upon further consideration of Service Order No. 1100 (37 FR 12324; 38 FR 878, 14754), and good cause appearing therefor:

It is ordered, That: § 1033.1100 *Service Order No. 1100* (Union Pacific Railroad Company authorized to operate over tracks of Agricultural Products Corporation between Epco, Caribou County, Idaho, and Dry Valley, Caribou County, Idaho) Service Order No. 1100 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.*—This order shall expire at 11:59 p.m., November 30, 1973, unless otherwise modified, changed, or suspended by order of the Commission.